CRLA NO. 223 OF 2003

Hon'ble Irshad Hussain, J.

Heard. This is an appeal U/S 449 Cr.P.C. against the order dated 28-7-2003 passed by the Additional Sessions Judge III Fast Track Court Udham Singh Nagar whereby surety bonds of the sureties were forfeited and they were directed to pay the surety amount in view of the fact that they failed to produce accused Balraj who according to them died in Punjab.

From the perusal of the impugned order it is evident that the confirmation of the death of the said accused was not received on the record of Sessions Trial No. 300/2002. The matter was under inquiry and without having the confirmation about the death being received from the relevant authorities it would not have been proper for the learned Sessions Judge to have proceeded to forfeit the surety bonds of the sureties. Considering this the impugned order is set aside.

The Sessions Judge shall however be at liberty to proceed against the appellant-sureties if no confirmation about the death of accused Balraj is received from the concerned authorities. Considering this the appeal is therefore disposed of accordingly.

(Irshad Hussain, J.)

Dated: 8-8-2003
ISB